Tahaw vs Atty. Vitan
A.C. No. 6441, October 21, 2004

Facts:

In 11 March 2002, Violeta R. Tahaw filed a complaint against Atty. Jeremias Vitan, respondent, claiming that she secured the services of respondent for filing the appropriate action for the partition of a real property located in Makati City sometime in 1999. As agreed upon, petitioner delivered to respondent four (4) checks in the total amount of P30,000.00 representing payment of the latter's professional fee. However, after almost a year without petitioner hearing from respondent about the case he would file in court, petitioner sent respondent a letter-inquiry as to the status of the case. Respondent assured complainant that he had already filed the appropriate case in Makati.

Complainant went to the Office of the Clerk of Court of Makati City to check if a case was indeed filed by respondent for and in her behalf. It was found out that respondent was not able to file the case as agreed upon.

She wrote respondent informing him that she is terminating the latter's services as counsel and demanded the refund of the P30,000.00. Respondent failed to refund the aforesaid amount, and complainant was thus prompted to seek the assistance of the Integrated Bar of the Philippines (IBP).

Upon finding probable cause, IBP submit the resolution to the court.

Ratio Decidendi

Canon 7 of the Code of Professional Responsibility mandates that a "lawyer shall at all times uphold the integrity and dignity of the legal profession." The strength of the legal profession lies in the dignity and integrity of its members. For this reason, this Court has been exacting in its demand of integrity and good moral character of the members of the Bar.

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times uphold the integrity and dignity of the legal profession. The trust and confidence necessarily reposed by clients requires in the attorney a high standard and appreciation of his duty to his clients, his profession, the courts and the public. Canon 17 of the Code of Professional Responsibility provides: "A lawyer owes fidelity to the cause of his client and he shall be mindful of the trust and confidence reposed in him."

Once he agrees to take up the cause of a client, the lawyer owes fidelity to such cause and must always be mindful of the trust and confidence reposed in him. He must serve the client with competence and diligence, and champion the latter's cause with wholehearted fidelity, care, and devotion.

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WHEREFORE, respondent Atty. Jeremias P. Vitan is hereby found GUILTY of violation of Canons 7 and 17 of the Code of Professional Responsibility for his failure to file the necessary pleading for his client's case and for the failure to return and immediately deliver the funds of his client advanced for the purpose of filing the said case, upon demand, and even after his commitment with the IBP to do so. The respondent is hereby SUSPENDED for a period of six (6) months effective from the date of promulgation hereof, with a STERN WARNING that a repetition of the same and similar acts shall be dealt with more severely. Atty. Vitan is ORDERED to immediately RETURN the amount of P30,000.00 to complainant.

Let a copy of this Decision be attached to Atty. Vitan's personal record in the Office of the Bar Confidant and copies thereof be furnished to the Integrated Bar of the Philippines.

SO ORDERED.